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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/135,154	08/17/1998	T. ALLAN HAMILTON	CLB5-B73	8963

7590 06/15/2004
T. Lester Wallace
Silicon Edge Law Group LLP
6601 Koll Center Parkway
Suite 245
Pleasanton, CA 94566



EXAMINER

ZIMMERMAN, BRIAN A

ART UNIT PAPER NUMBER

2635

DATE MAILED: 06/15/2004

RECEIVED

JUN 24 2004

Technology Center 2600

Please find below and/or attached an Office communication concerning this application or proceeding.



Commissioner for Patents
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APPLICATION NUMBER FILING DATE

FIRST NAMED APPLICANT

RECEIVED

UTILITY DOCKET NO./TITLE

JUN 24 2004

#39

Technology Center 2600

DATE MAILED:

NOTICE OF IMPROPER REQUEST FOR CONTINUED EXAMINATION (RCE)

The request for continued examination (RCE) under 37 CFR 1.114 filed on 5/26/04 is improper for reason(s) indicated below:

- ☐ 1. Continued examination under 37 CFR 1.114 does not apply to an application for a design patent. Applicant may wish to consider filing a continuing application under 37 CFR 1.53(b) or a CPA under 37 CFR 1.53(d). An RCE cannot be treated as a CPA.
- ☐ 2. Continued examination under 37 CFR 1.114 does not apply to an application that was filed before June 8, 1995. Applicant may wish to consider filing a continuing application under 37 CFR 1.53(b).
- ☐ 3. Continued examination under 37 CFR 1.114 does not apply to an application unless prosecution in the application is closed. If the RCE was accompanied by a reply to a non-final Office action, the reply will be entered and considered under 37 CFR 1.111. If the RCE was not accompanied by a reply, the time period set forth in the last Office action continues to run from the mailing date of that action.
- ☐ 4. The request was not filed before payment of the issue fee, and no petition under 37 CFR 1.313 was granted. If this application has not yet issued as a patent, applicant may wish to consider filing either a petition under 37 CFR 1.313 to withdraw this application from issue, or a continuing application under 37 CFR 1.53(b).
- ☐ 5. The request was not filed before abandonment of the application. The application was abandoned, or proceedings terminated on _____. Applicant may wish to consider filing a petition under 37 CFR 1.137 to revive this abandoned application.
- ☒ 6. The request was not accompanied by the fee set forth in 37 CFR 1.17(e) as required by 37 CFR 1.114. Since the application is not under appeal, the time period set forth in the final Office action or notice of allowance continues to run from the mailing date of that action or notice.
(The Petition for Extension of Time is missing also \$110⁰⁰)
- ☐ 7. The request was not accompanied by a submission as required by 37 CFR 1.114. Since the application is not under appeal, the time period set forth in the final Office action or notice of allowance continues to run from the mailing date of that action or notice.

Note: A continued prosecution application (CPA) under 37 CFR 1.53(d) cannot be filed in a utility or plant application. A CPA filed in a utility or plant application that has a filing date on or after June 8, 1995 will be treated as an RCE under 37 CFR 1.114. The request for a CPA in the instant application, however, has been treated as an improper RCE for the reason(s) indicated above.

A copy of this notice MUST be returned with any reply.

Direct the reply and any questions concerning this notice to:

Terri Williams — Technology Center 2600

(703) 30 5 - 2844



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#40 RCE 2635
to RCE
6/1/04
(a)

Applicant: T. Allan Hamilton

Assignee: ZiLOG, Inc.

Title: "System And Method For Providing An Improved Standby Mode For Infrared Data Transceivers"

Appl. No.: 09/135,154

Filing Date: August 17, 1998

Examiner: Zimmerman, Brian A.

Art Unit: 2635

Docket No.: ZIL-254 (formerly CLB5-B73)

Mail Stop RCE

Attn: Ms. Terri Williams

June 18, 2004

COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, VA 22313-1450

**RESPONSE TO NOTICE OF
IMPROPER REQUEST FOR RCE**

RECEIVED
JUN 24 2004
Technology Center 2600

Dear Ms. Williams:

Attached is a copy of the "Notice of Improper Request For Continued Examiner (RCE)", paper number 39, dated June 16, 2004, in the above-identified application. The Notice indicates that the May 25, 2004 request for RCE was improper because "the petition for extension of time is missing also \$100.00."

On June 18, 2004, the undersigned contacted Ms. Terri Williams and indicated that a "Petition For Extension Of Time" and a check for \$880.00 (check #1460) was filed along with the "Request for Continued Examination (RCE)" on May 26, 2004. The \$880.00 was for payment of the \$770.00 RCE filing fee and the \$100.00 extension fee. Evidently, the Patent Office lost the check. The undersigned's bank says that as of June 18, 2004, check #1460 has not been cashed.

In a telephone conversation today, Ms. Terri Williams instructed the undersigned to stop payment on check #1460 and to send a replacement check to Ms. Williams. A replacement check (check#1475 for \$880.00) is therefore

09/135154 00000036 09135154

770.00 09
110.00 09

09/135154 00000036 09135154

Applicant: Allan Hamilton
Serial No.: 09/135,154
Filing Date: August 17, 1998
Docket No.: ZILG.254US0 (formerly CLB5-B73)

enclosed along with a copy of the "Notice Of Improper Request For Continued Examination (RCE)". Payment on original check #1460 has been stopped.

If submission of this replacement check does not result in correcting the RCE filing in the above-identified application, the Patent Office is respectfully requested to contact the undersigned at (925) 485-9923.

I hereby certify that this is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to:

Mail Stop RCE
Attn: Ms. Terri Williams
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450.

By Lester Wallace
T. Lester Wallace

Date of Deposit: June 18, 2004

Respectfully submitted,



T. Lester Wallace
Attorney for Applicant
Reg. No. 34,748
Customer Number 24,941

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